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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/713,454

11/15/2000

Erling R. Anderson

SP00-037

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7590

03/23/2005

Corning Incorporated  
SP TI 03 1  
Corning, NY 14831

EXAMINER

NGUYEN, TU T

ART UNIT

PAPER NUMBER

2877

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/713,454

Applicant(s)

ANDERSON ET AL.

Examiner

Tu T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 24-52 is/are pending in the application.
- 4a) Of the above claim(s) 28-47 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 24-27 and 48-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The final rejection issued on June 29, 2004 has been withdrawn in view of the newly cited reference and the arguments presented in the appeal brief filed on November 29, 2004.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 24-27, 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuoka et al (US 5,253,035) in view of Cameron et al (US 5,119,546) and further in view of DT 24 29 810 (DT'810 herein after).

With respect to claim 1, Fukuoka teaches a system for automating the testing of optical fiber, the system comprises: an automatic test station for guiding a first end of the optical fiber to a first testing device and performing the test on the optical fiber (col.6, lines 46-56). Fukuoka does not explicitly disclose an automatic conveyor system for transporting the optical fiber storage spool to test stations. However, Fukuoka teaches mounting the fiber optic holder pallet to the test stations (col.7, lines 9-19); furthermore, Cameron teaches an automatic conveyor system capable of conveying a pallet holding a loop of cable to different stations for preparing and testing (col.7, lines 9-24; col.9, lines 39-68), and DT'810 teaches a pallet designed for transporting cable

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spools (abstract; page 9, first paragraph on fig.4). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use to automatic conveyor system of Cameron with the pallet designed in view of DT'810's teaching for transporting the pallet to different preparing and testing stations of Fukuoka in order to automating manual loading of the optical fiber to be tested to different testing stations, since automatically conveying the holder pallet to individual testing stations in place of manually mounting the pallet at each test station without producing unexpected result requires only routine skill in the art (MPEP 2144.04 III "Automating a manual activity").

With respect to claim 2, Fukuoka teaches stripping the coating of the fiber (col.6, lines 50-51).

With respect to claims 3-5, Cameron teaches stripping the first and second end of the cable (col.9, lines 12-17). Further guiding a selected end of the fiber for testing, and cleaving the fiber optic for testing would have been well known. Further, with respect to claim 5, Fukuoka teaches cleaning the first end of the fiber (col.6, lines 51-52).

With respect to claim 6, Fukuoka teaches acquiring a sample length of the optical fiber and performing the test on the sample length (col.7, lines 61-68; col.12, lines 20-34).

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With respect to claim 7, 14, 24, refer to discussion in claims 1-3, 6 above.

With respect to claim 8, Cameron teaches different stations performing different tasks such as stripping, cleaning of the cable (col.9, lines 6-21). Moreover, other steps such as cleaving the ends of the optical fiber ready for testing would have been well known.

With respect to claim 9, Fukuoka teaches discarding a section of the optical fiber (col.12, lines 19-41; col.6, lines 47-64).

With respect to claims 10-13, measuring the optical attenuation using optical time domain reflectometry, measuring the optical dispersion of the optical fiber; using RF tags for reading data from and writing data to the tag and for providing information concerning the items with the RF tags; and providing further test stations for further testing process would have been well known test conducted on the optical fiber to test the optical fiber efficiency and well known data communication between systems.

With respect to claims 25-27, refer to claims 2, 4-5, 9 above.

With respect to claim 48-52, refer to claim 1 above. Further, Cameron teaches providing the first and second ends of the cable ready for access (col.9, lines 15-21).

Further, utilizing spools such that different ends can be accessed simultaneously with pulling of one end does not disturb pulling of another end would have been well known.

***Response to Arguments***

Applicant's arguments presented in the appeal brief submitted on November 29, 2004 have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu T. Nguyen  
Primary Examiner  
Art Unit 2877

03/14/2005